

**BOARD OF ADJUSTMENT MEETING
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

7:00 P.M.

July 27, 2021

ACTION SHEET

MEMBERS PRESENT:

MEMBERS EXCUSED:

ALSO PRESENT:

The Board Voted to take Petitions F, G, and J out of order.
(See Petitions F, G, and J).

I. OLD BUSINESS

A) Request for extension regarding 187 McDonough Street.

The Board Voted to **grant** the extension.

B) Request of **The Elizabeth B. Larsen Trust of 2012, Owner**, for the property located at **668 Middle Street** whereas relief is needed from the Zoning Ordinance to subdivide lot into three lots which requires the following: 1) A Variance from Section 10.521 to allow 114' and 100' of frontage on a private way where 100' of frontage on a formally accepted street or other road approved by the Planning Board and constructed to City subdivision standards. 2) A Variance from Section 10.521 to allow 69.83' of frontage on Middle Street where 100 feet is required. 3) A Variance from Section 10.512 to allow construction of a structure on a lot with access to a private right of way. Said property is shown on Assessor Map 147 Lot 18 and lies within the General Residence A (GRA) District.

The Board voted to **grant** the variances for the petition as presented and advertised.

C) Request of **Cate Street Development LLC, Owner**, for the property located at **428 US Route 1 Bypass** whereas relief is needed from the Zoning Ordinance to replace two existing free-standing signs with new signs for mixed-use development which requires the following: 1) A Variance from Section 10.1251.20 to allow a 388.5 square foot sign where 100 square feet is the maximum allowed. 2) A Variance from Section 10.1251.20 to allow a 60 square foot secondary sign where 40 square feet is the

maximum allowed. Said property is shown on Assessor Map 172 Lot 1 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

The Board voted to **grant** the variances as presented and advertised.

- D) Request of **Wentworth Corner LLC, Owners**, for the property located at **960 Sagamore Avenue** whereas relief is needed from the Zoning Ordinance to demolish existing structures and construct an 8 unit residential building which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,360 square feet where 7,500 square feet is required. 2) A Variance from Section 10.1114.31 to allow two driveways on a lot where one driveway is permitted. Said property is shown on Assessor Map 201 Lot 2 and lies within the Mixed Residential Business (MRB) District.

The Board voted to **postpone** the petition to the August 17th meeting.

II. PUBLIC HEARINGS – NEW BUSINESS

- A) Request of **Nobles Island Condos, Owner** for the property located at **500 Market Street** whereas relief is needed from the Zoning Ordinance to allow a medical office which requires the following: 1) A Special Exception from Section 10.440, Use #6.20 to allow a medical office where the use is permitted by Special Exception. Said property is shown on Assessor Map 120 Lot 2 and lies within the Character District 4-L1 (CD4-L1) District.

The Board voted to **grant** the special exception for the petition as presented and advertised.

- B) Request of **Robert B. Tozier and Alison M. Tozier, Owners** for the property located at **552 State Street** whereas relief is needed from the Zoning Ordinance to relocate an existing mini-split to a different location on the property which requires the following: 1) A Variance from Section 10.515.14 to allow a 3' side yard setback where 10' is required. Said property is shown on Assessor Map 127 Lot 19 and lies within the Mixed Residential (MRO) District.

The Board voted to **grant** the variance for the petition as presented and advertised.

- C) Request of **Eric D. Weinrieb and Rachel L. Hopkins, Owner** for the property located at **9 Middle Road** whereas relief is needed from the Zoning Ordinance to demolish existing garage and construct new garage which requires the following: 1) Variances from Section 10.521 to allow a) a 1.5' rear yard where 10 feet is required; b) a 2.5' left side yard where 10' is required; and c) 27% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 152 Lot 47 and lies within the General Residence A (GRA) District.

The Board voted to **grant** the variances for the petition as presented and advertised.

- D) Request of **Igor Mihailov, Owner** for the property located at **1011 Banfield Road** whereas relief is needed from the Zoning Ordinance for the keeping of chickens which requires the following: 1) A Special Exception from Section 10.440, Use #17.20 to allow the keeping of farm animals where the use is allowed by Special Exception. Said property is shown on Assessor Map 283 Lot 40 and lies within the Single Residence A (SRA) District.

The Board voted to **grant** the special exception, with the following **stipulation**:

- 1) There shall be no more than twelve chickens, and no roosters.

- E) Request of **145 Cabot Street Condos, Owner** and **Jason Stringer, Owner/Applicant** for the property located at **145 Cabot Street** whereas relief is needed from the Zoning Ordinance to construct a new storage shed which requires the following: 1) Variances from Section 10.521 to allow a) a 7.5' rear yard where 8'9" is required; and b) an 8' side yard where 8'9" is required. Said property is shown on Assessor Map 145 Lot 88 and lies within the General Residence C (GRC) District.

The Board voted to **grant** the variances for the petition as presented and advertised.

- F) **REQUEST TO POSTPONE** Request of **Anne and Andrew McPherson, Owners** for the property located at **204 Wibird Street** whereas relief is needed from the Zoning Ordinance to add a second story rear addition and deck expansion which requires the following: 1) Variances from Section 10.521 to allow a) A 7.5' right side yard where 10' is required; and b) 27.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 149 Lot 116 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** the petition to the August 17th meeting.

- G) **REQUEST TO POSTPONE** Request of **Sarah Sommer Kaufman Revocable Trust, Owner** for the property located at **546 Sagamore Avenue** whereas relief is needed from the Zoning Ordinance to add a rear addition and vertical expansion of the garage which requires the following: 1) A Variance from Section 10.521 to allow a 4.5' right side yard where 10' is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 222 Lot 10 and lies within the Single Residence B (SRB) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** the petition to the August 17th meeting.

- H) Request of **Jaremy James Conte, Owners** for the property located at **0 Islington Street** whereas relief is needed from the Zoning Ordinance to demolish existing structures and construct new single family dwelling which requires the following: 1) Variances from

Section 10.521 to allow a) a lot area of 5,225 square feet where 15,000 square feet is required; b) a lot area per dwelling unit of 5,225 square feet where 15,000 square feet is required; and c) 50 feet of frontage where 100 feet is required. Said property is shown on Assessor Map 233 Lot 7 and lies within the Single Residence B (SRB) District.

The Board voted to **postpone** the petition to the August 17th meeting.

- I) Request of **Seacoast Repertory Theater, Owner** for the property located at **125 Bow Street** whereas relief is needed from Section 10.5A40 of the Zoning Ordinance for the expansion of a non-conforming structure and the addition of a mechanical platform to create a 2.5 foot rear yard where 5 is required. Said property is shown on Assessor Map 105 Lot 1F lies within the Character District 4 (CD4) District.

The Board voted to **grant** the variance for the petition as presented and advertised.

- J) **REQUEST TO POSTPONE** Request of **2422 Lafayette Road Association, LLC, Owner** for the property located at **2454 Lafayette Road** whereas relief is needed from the Zoning Ordinance to construct a standalone automated teller machine (ATM) which requires the following. 1) A Variance from Section 10.1530 to allow an automated teller machine (ATM) as defined in this section to be a principal freestanding structure and not located on the outside of a building, or in an access-controlled entrance to a building, or within a principal use in a building. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** the petition to the August 17th meeting.

- K) Petition of **Lonza Biologics, Inc.** for property located at **101 International Drive** to add an above ground storage tank which requires the following: 1) from Section 308.02(c) of the Pease Development Ordinance to allow an above ground storage tank (AST) exceeding 2,000 gallon capacity per facility. Said property is shown on Assessor Plan 305 Lot 6 and lies within the (Pease) Airport Business Commercial (ABC) District.

The Board voted to **recommend approval**.

II. OTHER BUSINESS

There was no other business.

III. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.